



April 5, 2016

6:30 p.m.

Planning Department  
Council Chambers

**MEMBERS PRESENT:** Commissioners Brent Dixon, George Morrison, Joanne Denney, George Swaney, Darren Josephson, Margaret Wimborne, Julie Foster and Natalie Black.

**MEMBERS ABSENT:** Donna Cosgrove, James Wyatt.

**ALSO PRESENT:** Current Planner, Brent McLane and interested citizens.

**WORK SESSION:** Commissioner Dixon opened the Work Session. Wimborne indicated and discussed that she wanted to know what it means to be property that is in the Area of Impact. Wimborne indicated that facts and statutes would be helpful. Dixon indicated that the Idaho Smart Growth Manual highlighted 3 of the purposes behind land use planning and list 12 of the uses, but there are 13 in the Statute and the one that is not listed involves the airport and protecting the land near the airport. Dixon stated that one of the purposes of land use planning is to encourage or ensure that urban development is done within incorporated urban areas. McLane pulled up ***Idaho Code 67-6502***. Dixon stated that one inhibitor to City development is that it cannot be annexed unless it is adjacent. Dixon indicated that the Statue answers some questions pertaining to land use planning. Dixon went through the 13 reasons that are listed on I.C. 67-6502. Dixon stated that when doing urban type development, it needs to be done in an incorporated area and mining lands and agricultural should be protected from urban type development. Dixon stated that the annexation statute is found in 52-22 and the statutory purpose of annexation comes back to item (b) on I.C. 67-6502 to ensure adequate public facilities are provided at a reasonable cost. Dixon reviewed the purposes for land use planning that are listed in I.C. 67-6502 and stated that those should be used in determining whether land should be placed in an area of impact. Dixon stated that he believes the County needs to reveal how much urban development they have done. Swaney and Dixon stated that the County developing urban type developments is not doing (e) protecting prime agricultural. Dixon suggested asking the County for information showing what has been rezoned from agricultural or mining or forestry to commercial or residential, that is within 5 miles of City limits5 miles from City limits.

**CALL TO ORDER:** Chairman Dixon called the meeting to order at 7:00 p.m. and reviewed the public hearing procedure.

**CHANGE TO AGENDA:** None.

**Minutes:** Morrison moved to approve the minutes of March 1, 2016, Josephson seconded the motion and it passed unanimously.

## **Public Hearings:**

**1. ANNEXATION/INITIAL ZONING. (Heritage Park).** This item will be recessed to the regular meeting in May. **Wimborne moved to recess the annexation and initial zoning for Heritage Park, to the May meeting of the Idaho Falls Planning Commission, Morrison seconded the motion and it passed unanimously.**

**2. PUD 16-003: PLANNED UNIT DEVELOPMENT. Derbyhawk.** McLane presented the Staff Report, a part of the record. Wimborne asked if the reduced set back would be on the Sunnyside street portion and not the rest. McLane clarified that they are asking for a reduced set back on all sides of the PUD, not just the side that faces Sunnyside. Swaney confirmed that the PUD will meet all of the landscaping percentage requirements even with the reduced setback. Black asked if there is a reduced setback for the medical office being built to the west. McLane indicated it is not a PUD, it just has the PB zone set back. Dixon asked if there is a need for cross access with the property to the west. McLane indicated that there is no need for cross access as this is a single lot with street frontage and plenty of fire access for this lot. Black confirmed that the PUD that was approved prior on this lot referenced a cross access agreement, and that cross access is not needed. Black asked what the reason for the reduced set back. McLane indicated that the building will be developed closer to the street front (Sunnyside) with parking in the back.

Dixon opened the public hearing.

## **Applicant:**

**Blake Jolley, 1150 Hollipark, Idaho Falls, Idaho.** Jolley indicated that the reduced set back will match the other buildings that have built along Sunnyside to the east.

No one appeared in support or opposition of the application.

Dixon closed the public hearing.

Swaney indicated that the project meets all of the requirements with the exception of the setback, but the setback is consistent with the other properties in the area. Black indicated that as a technicality, just because a PUD was previously approved, does not mean that the PUD will continue to be approved as it changes and is brought to the Planning Commission, just as if a preliminary plat had previously been approved, does not mean that it will be approved when it is brought before the Planning Commission again.

**Wimborne moved to recommend to the Mayor and City Council approval of the Planned Unit Development for Derbyhawk, Morrison seconded the motion and it passed unanimously.**

## **Business:**

**1. PLAT 6-008: FINAL PLAT. Waters Park Addition Division 1.** McLane presented the staff report, a part of the record. Dixon clarified that the road is not a public right of way, it is a private drive to get to the property on the back. McLane indicated that the access point will be on the north with an in and out parking lot. Dixon asked if there is a required frontage for a lot. Black asked and McLane confirmed that there will be a requirement for curb and gutter. McLane indicated that if the building were removed there would be discussion as to where the curb and

gutter would go. McLane indicated that the City Engineer felt that there was enough room in the front to have the curb and gutter sidewalk. Dixon asked how that information will be documented so if in the future there is redevelopment the planning division would know that part of that parcel is right of way. McLane indicated that it will be part of the site plan. Dixon asked if there is curb and gutter north of the subject property. McLane indicated that farther north there is curb and gutter, not immediately north.

**Applicant:**

**Fred Wallen, 645 Lincoln, Idaho Falls, Idaho.** Wallen stated that this is an existing one lot subdivision that is being abandoned for two lots.

Dixon clarified that the property will be divided into two lots so they can be sold or owned separately and nothing else is changing, and therefore, nothing has to be upgraded. Dixon asked if the change triggers any ability for the City to require the curb and gutter, or is it only in the future. McLane indicated that the curb and gutter does not go into effect, unless they make any structural changes. Wimborne asked for clarification on the staff recommendation for approval with the following condition, that the applicant revise the plat to address City's review comments. Wimborne asked what the revisions are. McLane indicated that when he did the staff report, most of the comments on the plat were regarding surveying. Dixon stated that the discussion about future development is something that needs to be in the record, but is not actionable at this point. Josephson asked what the width of the access point is. Wallen indicated that it is just under 38'. Josephson asked about the north west corner of the property and asked if there is connectivity with the road that is shown. Swaney clarified that the road is a private road for INL. Black asked if the property is divided and the larger property cuts off the road access, the front building would only have parking in the front. McLane stated that the current parking is in the front. Black asked if it would be a problem if the property owner of the large property cuts off the access. Dixon asked if they need a cross access agreement now, so they could use it in the future. McLane indicated that now is not the time to do the cross access agreement.

Dixon asked Wallen what the use of the west half of the smaller lot. Wallen indicated it is a lay down area. Dixon asked if the access is cut off from the bigger lot, how would the smaller lot get to the back lay down area. McLane indicated there are through double doors to get to the back.

**Swaney moved to recommend to the Mayor and City Council approval of the Final Plat for Waters Park Addition, Division 1, Denney seconded the motion and it passed unanimously.**

Dixon adjourned the meeting.

**Respectfully Submitted**

**Beckie Thompson, Recorder**